

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-15086 - APPLICANT: FABULOUS FREDDY'S CAR  
WASH - OWNER: PKKL, LLC**

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**\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-10149, SUP-10798, SUP-15085, SUP-15087, SUP-15088, and SUP-15230) and Site Development Plan Review (SDR-10148) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Special Use Permit for Liquor Sales in conjunction with a proposed convenience store at the southwest corner of Elkhorn Road and Grand Montecito Parkway.

**EXECUTIVE SUMMARY**

The proposed Liquor Sales use will not have a negative effect on the surrounding area. This use is in conjunction with the primary use as a Convenience Store/Car Wash. It is noted that the site had previously obtained Special Use Permits for this and the other related uses. Extensions of Time were filed; however, the applicant allowed these to expire, thus new Special Use Permits are required. As the proposed use meets requirements, was previously approved, and no changes have been proposed; therefore, approval of this Special Use Permit is recommended.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 04/07/04      The City Council approved a Site Development Plan Review (SDR-3764) related to Modification (MOD-3763) and Rezoning (ZON-3840) for a proposed 587,750 square-foot mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for liquor sales on Pad A, (SUP-3767) for gaming (incidental) on Pad A, (SUP-3769) for a drive-through facility on Pad A, (SUP-3770) for a drive-through facility on Pad O, (SDR-3771) for a tavern on Pad P, (SUP-3773) for gaming (incidental) on Pad P, (SDR-3764) for gasoline sales on Pad Q, (SUP-3776) for a car wash on Pad Q, (SUP-3777) for gaming (incidental) on Pad Q, (SUP-3778) for liquor sales on Pad Q, (SUP-3779) for a tavern on Pad Z, (SUP-3780) for gaming (incidental) on Pad Z, (SUP-3781) for a drive-through on Pad F, (SUP-3783) for liquor sales on Pad HH, (SUP-3785) for gaming (incidental) on Pad HH, (SUP-3786) for a Drive-through Facility on Pad HH, (SUP-3788) for a Drive-through Facility on DD, and (SUP-3789) for a Drive-through Facility on EE. The Planning Commission and staff recommended approval on 03/11/04.
- 02/16/05      The City Council approved a Site Development Plan Review (SDR-5731) which revised a portion of site plan SDR-3764. The changes resulted in a reduction of total building square footage from approximately 584,544 square feet to 380,003 square feet. Staff and the Planning Commission recommended approval on 01/13/05.

- 03/01/06 The City Council approved a Site Development Plan Review (SDR-10148), and two Special Use Permits (SUP-10149 and SUP-10798) for a proposed Drive-through Facility in conjunction with a proposed 4,975 square-foot Convenience Store, a 4,070 square-foot Carwash (automatic), and a 1,748 square-foot Automobile Maintenance Facility (Oil and Lube) on 1.87 acres at the southwest corner of Elkhorn Road and Grand Montecito Parkway. The Planning Commission recommended approval. Staff recommended denial of the Site Development Plan Review and approval for the Special Use Permits.
- 08/24/06 The Planning Commission recommended approval of companion items SUP-15085, SUP-15087, SUP-15088 and SUP-15230 concurrently with this application.
- 08/24/06 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #16/ng).

***B) Pre-Application Meeting***

A pre-application meeting was not required as no changes were made to the project from the previous submittal. The applicant had several approved Special Use Permits for the project that were allowed to expire, as noted in the Related Actions section.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 1.87  
Net Acres: 1.49

***B) Existing Land Use***

Subject Property: Undeveloped  
North: Undeveloped  
South: Undeveloped  
East: Undeveloped  
West: Commercial/Retail

***C) Planned Land Use***

Subject Property: Montecito Town Center Mixed Use Commercial  
North: PF-TC (Public Facility – Town Center)  
South: Montecito Town Center Mixed Use Commercial  
East: Montecito Town Center Mixed Use Commercial  
West: Montecito Town Center Mixed Use Commercial

***D) Existing Zoning***

Subject Property: T-C (Town Center)  
North: T-C (Town Center)  
South: T-C (Town Center)  
East: T-C (Town Center)  
West: T-C (Town Center)

***E) General Plan Compliance***

The subject property is located in the Centennial Hills Sector Plan Area. The property is also located in the Montecito Town Center Special Plan Area. All properties within the Montecito Town Center Area are given a Mixed-Use Commercial land use designation. The proposed uses are permitted in this location with approval of the requested Special Use Permits.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>
<b>Special Area Plan</b>	<b>X</b>	
Montecito Town Center	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Montecito Town Center**

The property is also located in the Montecito Town Center Special Plan Area. All properties within the Montecito Town Center Area are given a Mixed-Use Commercial land use designation. The proposed uses are permitted in this location with approval of the requested Special Use Permits.

**ANALYSIS**

***A) Zoning Code Compliance***

**A1) Parking and Traffic Standards**

Parking requirements were determined as part of the Site Development Plan Review on this site (SDR-10148). The totals are listed in the table below.

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Total			23	2	34	2

The site is in compliance with the requirements of Title 19.10.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Montecito Town Center Land Use and Design Standards that apply to the proposed Liquor Sales use.

**B) General Analysis and Discussion**

- Zoning

The T-C (Town Center) zoning district is established to permit and encourage the development of a mixed use employment center which will provide economic stability and diversification for the City of Las Vegas. The primary objective of the T-C (Town Center) District concept is to provide employment for in excess of one hundred thousand individuals while, at the same time, creating a unique blending of human habitation and economic activity.

- Use

The Montecito Town Center will create a vibrant, festive, densely built, pedestrian-friendly environment. Because of its unique urban nature, no specific spacing requirements will be mandated between establishments that have on or off premise alcohol sales and/or restricted gaming within the Montecito Town Center area, and no special use permits for separation between these establishments will be necessary. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.

- Conditions

There are no specific conditions that are imposed by the Montecito Town Center Land Use and Design Standards for the proposed Liquor Sales use.

**FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed project is located in the Montecito Town Center Special Plan Area. This area is intended to be used for commercial development such as the proposed use as a Convenience Store/Car Wash. The proposed Liquor Sales are in conjunction with the Convenience Store. The proposed use can be conducted in a manner that is harmonious and compatible with surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of land use proposed. The Site Development Plan Review (SDR-10148) was approved by the City Council on 03/01/06.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site will share access with the remainder of the Montecito Market Place development. Shared access drives from Elkhorn Road, a Primary (100-foot) Town Center Arterial, and from Montecito Parkway, a Town Center Loop (90-foot) Road, are closest to the proposed site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for the Liquor Sales use in conjunction with a Convenience Store will not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

9

#### **ASSEMBLY DISTRICT**

13

#### **SENATE DISTRICT**

9

**NOTICES MAILED**      335 by City Clerk

**APPROVALS**                      0

**PROTESTS**                      0